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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,171	11/20/2000	Pierre Dupuy	Q61862	6878

7590

01/05/2004

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EXAMINER

IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/715,171

Applicant(s)

DUPUY, PIERRE

Examiner

Khawar Iqbal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being unpatentable by Kaaresoja (6556573).
3. Regarding claim 1 Kaaresoja teaches a transmission apparatus comprising (abstract, figs. 1-6);

a first relay receiving data messages formatted in a first protocol from a transmitter and converting the data messages formatted in the first protocol into data messages formatted in a second protocol (col.2, lines 56-65, col. 5, lines 48-61, col. 8, lines 2-6, col. 13, lines 2-27),

a second relay connected to the first relay and receiving the data messages formatted in the second protocol from the first relay and transmitting the data messages formatted in the second protocol in a synchronous mode to a receivers (col. 6, lines 35-60),

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a limited data rate transmission channel interconnecting the first and second relays wherein, said data messages formatted in said second protocol include data messages of different lengths (col. 6, lines 8-21 and 35-60, col.9, lines 25-62); and

means for transmitting said data messages formatted in said second protocol over said limited data rate transmission channel in an asynchronous mode (col.5, lines 48-61, see above).

Regarding claims 2,7 Kaaresoja teaches wherein the second relay includes a buffer memory configured to store the message received from the first relay and then to transmit the data message to the receiver (col. 8, 45-49).

Regarding claims 3,8,14 Kaaresoja teaches wherein the second relay includes a decoder for receiving an instruction to retransmit a data message and for storing a copy of a data message that is to be retransmitted in the buffer memory (col. 10, lines 44-49).

Regarding claim 4,9,15 Kaaresoja teaches wherein the first protocol has a plurality of data rates for transmitting payload bits, the rate at which the payload bits are transmitted over the limited data rate transmission channel being intermediate in value  $U$  between the data rates of the first protocol (col. 9, lines 25-62).

Regarding claim 5,10 Kaaresoja teaches wherein the buffer memory is of the first-in-first-out type (col. 9, lines 25-62).

Regarding claims 6,12,13 Kaaresoja teaches a transmission method comprising the steps of (abstract, figs. 1-6):

receiving, in a first relay, data messages formatted in a first protocol and demodulating from a transmitter (col. 2, lines 56-65, col. 5, lines 48-61, col. 8, lines 2-6, col. 13, lines 2-27);

converting the data messages way formatted in the first protocol into data messages formatted in a second protocol (col. 2, lines 56-65, col. 5, lines 48-61, col. 8, lines 2-6, col. 13, lines 2-27);

transmitting the data messages formatted in the second protocol to a second relay connected to the first relay by a limited data rate transmission channel, wherein said data message formatted in said second protocol include data messages having different lengths, and said data message having different lengths are transmitted over said limited data rate transmission channel in an asynchronous mode (col. 6, lines 8-21 and 35-60, col.9, lines 25-62); and

transmitting, in a synchronous mode, the data messages formatted in the second protocol from the second relay to a receiver (col. 5, lines 48-61, see above).

Regarding claim 11 Kaaresoja teaches wherein said second relay further includes a decoder for receiving instructions for controlling said buffer memory, said decoder determining whether a message is unavailable for transmission during a following transmission window based reception date of the message (col. 8, lines 21-50).

Regarding claim 16 Kaaresoja teaches a relay device for a transmission apparatus, the relay device comprising:

means for receiving data messages transmitted in an asynchronous mode over a limited data rate transmission channel, wherein the data messages include data messages of different lengths (col. 6, lines 8-21 and 35-60, col.9, lines 25-62); a buffer memory configured to store the data messages (col. 8, 45-49); and a decoder for receiving an instruction to retransmit the data messages in a synchronous mode to a receiver and for storing the data messages that are to be retransmitted in the buffer memory(col. 10, lines 44-49, col. 12, lines 10-60).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **BANKS-HAROLD, MARSHA**, can be reached at 703-305-4379.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

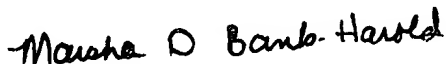
**or faxed to:**

**(703) 872-9314 (for Technology Center 2684 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

**Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.**

Khawar Iqbal



MARSHA D. BANKS-HAROLD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600